



**Governor's Advisory Council
To The Division of Developmental Disabilities**

February 28, 2019
10:30 a.m. – 12:30 p.m.
1056 Governor's Avenue
Dover, DE

Council Members:

Terri Hancharick, Chair
Stan Trier
Tom Rust

Staff Members:

Marie Nonnenmacher, Director
Marissa Catalon, Deputy Director
Terry Macy, Director of Community Services
Jim Dickinson, Director of Service Integrity & Enhancement
Darlene Sturgeon, Chief of Administration
Stacy Watkins, Assistant Director of Community Services, Chief of Operations
Jennifer Tozer, Manager of Family Engagement

Guests Present:

Terry Olson, The Arc of Delaware
Jane Miller, ExpO

Review of Previous Meeting Minutes

Due to not having a quorum, council members will review January 17, 2019, minutes for approval during next meeting.

Meeting Notes

Expanding Options, Inc. (ExpO) Advocacy Group Presentation by Jane Miller

Jane Miller from ExpO, introduced herself to the Council and gave a brief description of her background. ExpO is a community group for adults with intellectual and developmental disabilities and their caregivers. The group provides opportunities to learn and to engage socially. Learning opportunities include such things as: improving social skills and developing employment skills and independent living skills. ExpO offers monthly meetings (first Thursday, monthly in Elsmere, DE) and monthly weekend activities at different locations. ExpO is networking for other volunteers to expand to the Dover area.

Jennifer Tozer, DDDS Manager of Family Engagement volunteered to provide a disc golf tutorial in April 2019, with ExpO members. Jennifer has engaged others to volunteer, is gathering supplies for the activity, and is excited as the date moves closer. Networking to provide connections with different types of community groups is challenging. Ms. Miller will continue to work with Jennifer Tozer to assist with outreach. DDDS suggested approaching The News Journal to request an article for publicity and volunteered to connect Ms. Miller with Jill Fredel, the DHSS Communication Director.

Artisan Bank awarded ExpO with a grant to create a logo and to assist with purchasing tables and displays to utilize at fairs/seminars/etc. Terri Hancharick provided Ms. Miller with information regarding the University of Delaware, Management of Information Systems group who take on projects with a team of 4-5 students who will assist with web sites, databases, and other IT projects.

The Council discussed the need for self-advocates to engage in meetings, especially younger self-advocates, to include ExpO supporting self-advocate training and/or opportunities. A Council Member suggested that ExpO contact Toastmasters International, a nonprofit educational organization that operates clubs worldwide for promoting communication and public speaking skills to assist with training opportunities.

Ms. Miller distributed a flyer to the Council that includes information surrounding ExpO. ExpO engages on Facebook at "www.facebook.com/expandingoptionsDE". For more information, contact Ann Negstad at (302) 438-0424 or anegstad@verizon.net.

Cx360 Update

DDDS terminated the contract with the Core Solutions for convenience, as allowed by contract. DDDS made this decision after reviewing all available information and concluding that the end product would not meet the Division's needs given all of the changing dynamics since the RFP was completed. Therefore, until DDDS can re-procure the system, DDDS plans to continue using Therap. DDDS submitted a Critical Needs Waiver requesting the ability to contract with Therap for three years while the Division prepares a new RFP for an electronic case record. Attempting to develop business processes while simultaneously developing the system did not work well. DDDS plans to incorporate processes in the new RFP in order for vendors to assess if their product can meet DDDS obligations. DDDS may need to procure resources to complete the RFP including a project manager to engage with the selected vendor. Currently, DDDS has a small contract with Therap while providers have individual contracts. If the Critical Needs Waiver is approved, the new contract with Therap will only be with DDDS. The providers will no longer need to engage in separate agreements with Therap. The look and feel of Therap will be similar to current system.

Budget Update

The DDDS Division Summary of the Governor's Recommended Budget for fiscal year 2020 was distributed to Council. All the requests submitted by the Department on behalf of DDDS were included in the Governor's Recommended Budget (GRB). DDDS is appreciative of the support by the Governor and the Legislature. This support enables DDDS to continue to add both additional residential opportunities and opportunities for young adults to access employment and day services as they graduate from school.

Additional items included in the GRB:

- (1) Increased rates for Residential, Employment and Day Services
- (2) Increased difficulty of care payments for Shared Living Providers
- (3) Healthcare cost increases at Stockley Center
- (4) An Endless Pool at Stockley Center
- (5) Enhancements to the Harmony System (DDDS Incident Management System)

Personnel costs are requested at the department level and are updated to meet cost of increases of salaries and benefits. Adjustments were made to Fleet due to utilization of Fleet vehicles and fuel cost.

Lifespan Waiver Update

During the last meeting, Stacy Watkins, Assistant Director of Community Services announced the promotion of Colleen Jones to the position of Director of Lifespan Supports for New Castle County. Stacy announced that the second Director of Lifespan Supports for Kent and Sussex Counties, Erik Hochrein will officially join DDDS on March 18, 2019. Mr. Hochrein is employed with Public Health as a clinic manager for Early Intervention and has significant experience working with schools and with transition aged students.

The DDDS Facebook Page was unveiled at the Life Conference, which supplies a wealth of information. DDDS was pleased with the number of people that visited the Division's display at the Life Conference. DDDS supported a large number of people to develop real time trajectories of what a good life looks like; participants included individuals, their families, caregivers, and direct support professionals. The DDDS table was very popular this year; attracting a wide variety of people. A professional who works with victims of domestic violence thought the tool would have great applicability to the women she supports.

The public hearings for the LifeSpan Waiver renewal are complete and the public comment period ends on March 2, 2019. Stacy has been touring throughout Delaware to ensure stakeholder engagement in the waiver renewal process by meeting with advocacy groups and councils to share information about the renewal, what changes are being proposed and answer questions. DDDS projects the final Waiver Renewal package will be submitted to CMS before the April 1, 2019, deadline.

Stacy also briefly mentioned the Pathways to Employment program, this program is also due to be renewed, and the renewal package is planned to be submitted to DMMA for initial review on March 4, 2019.

Provider Enrollment Update

The DDDS Bi-Weekly Status of Providers for New Lifespan Waiver Services was distributed to Council. DDDS got a late start enrolling providers for the new Lifespan services due to challenges with DMES. DDDS will actively market to recruit more "durable medical equipment" providers that can build complex, custom chairs. Reportedly, Numotion is the only company in Delaware currently providing custom chairs.

DDDS' Service Integrity and Enhancement (SIE) is actively engaged in revising the DDDS New Provider Enrollment and onboarding process from top to bottom. This includes consulting with providers to talk about their experiences becoming DDDS authorized providers and gather information to improve the experience for future providers. Additionally, SIE is developing a post enrollment survey for new providers to complete after they are officially authorized.

DDDS has built in criteria to determine if providers meet the service definition. Once DDDS determines a provider applicant is qualified to perform service, they must then apply for enrollment with Medicaid to complete the qualification process. DDDS is aware that providers find the process complicated and cumbersome. DDDS services include special rules that must be clearly communicated to providers. Otherwise provider will not know what to expect and what resources are available to assist them during the process. SIE is working to offer a manual to support providers through the journey of becoming an authorized provider.

DDDS State-Funded Services

Over the year, a significant amount of state funding was used to support people who met the criteria for DDDS services, but were not enrolled in Medicaid. It was determined that this occurred due to DDDS not articulating the many ways a person may become eligible for Medicaid and the need for people to apply for Medicaid if applying for DDDS services. DDDS has referred people to the "ASSIST" web application so people could apply for assistance to a variety of social services, including Medicaid. The Affordable Care Act adjusted the federal poverty level to 133% for Medicaid eligibility, which allowed people who were previously not eligible for Medicaid due to their income to now become eligible. The Lifespan Waiver amendment expanded the criteria for waiver enrollment, thus permitting individuals who have an income up to 250% of the federal benefit rate (1850.00 per month) to be Medicaid eligible. Also, when applying for LTC Medicaid, additional income and assets over \$2000/ month may be protected in the form of a trust or special account (i.e. Miller Trust, ABLE Account for special needs trust). These

funds then remain intact for the benefit of the individual for the rest of their life. DDDS has a one-page document that describes the different special trust funds and will distribute to Council.

Until now, DDDS has allowed people to self-select out of applying for the Waiver. There were approximately 700-800 individuals in day services and 100 individuals in residential services that were completely state funded. This is not sustainable and puts the future of services at risk.

DDDS is attempting to leverage Medicaid funding as much as possible. Two examples of this work were shared with the council. The Assertive Community Integration Support Team (ACIST) Health Home was just approved by CMS and allows DDDS to leverage Medicaid funding at a 90/10 match a quarter for two years. Another example is that DDDS amended its cost allocation plan, which permitted DDDS to leverage Medicaid funding for administrative activities that DDDS performs in support of Medicaid Programs.

DDDS has been working with families in order to make sure they understand the expectation DDDS has with regard to Medicaid eligibility. Approximately five months ago, DDDS began making new applicants aware that they must become Medicaid eligible to receive DDDS services during the application process. DDDS has also engaged in a large number of one-on-one conversations with families to be sure they understand the process and why DDDS came to this conclusion. Essentially, leveraging Medicaid funding allows DDDS to enhance other needed services and programs. Since many families are more familiar with provider agency staff, DDDS has collaborated with several provider agencies to assist with explaining to families the process and to answer questions. DDDS wants families to feel comfortable and secure that no services will be lost as the goal is to provide more services.

DDDS has had to deny beneficial services due to lack of resources. This fueled DDDS to work to find alternatives to general funding methods, such as leveraging Medicaid wherever possible. DDDS estimates spending \$8 million dollars on people who were not Medicaid eligible, whereas if all were Medicaid eligible it would reduce state funding for these same services by more than estimated savings of a little over \$4 million dollars. DDDS is tracking the amount of funding that becomes available as people change from state funding to Waiver funding, and will submit a plan to DHSS Administration to use those savings. Examples of what might be in the proposal to DHSS Administration were shared: rebasing provider rates for nursing and behavioral consultation, adopting a new rate methodology for transportation services provided as a part of employment and day services, enhancing the Residential Habilitation and Day Habilitation rate options to include an acuity factor, and a provider rate increase for Residential Habilitation, Employment and Day Services. DDDS hopes that the amount of savings will be known by 2020.

Council member reported that people in the community are reporting that the Medicaid application process deadline is June 30, 2019, to include having legal paperwork completed before applying, and are terrified. DDDS assured Council that if people are working with DDDS there is no cutoff for applying for Medicaid. The June 30th date is to indicate when DDDS wants the process completed, although DDDS is aware that there are logistical issues that some must overcome (i.e. waiting on papers from lawyer). If an individual is refusing to apply, services will require private pay methods. DDDS is not involved with private pay arrangements; however, some provider agencies may not be willing to accept private pay arrangements. Many families are surprised to learn of the high cost of services. The subject of receiving a detailed communication about the process was brought to the table. DDDS developed a draft communication, has also collaborated with provider agencies that have drafted communications for families. Families need to remember that Waiver enrollment is unique to each family due to the different service types and needs. Therefore, developing a detailed "how to" communication proved difficult due to the many different scenarios families may experience as part of the enrollment process. DDDS is concerned that releasing a detailed communication will complicate the process for families at this time. DDDS is taking the approach to directly engage with families who need assistance on a one-to-one basis to address the family's individual concerns.

When DDDS collaborates with provider agencies, the process is smoother since families are familiar with provider agency staff who can explain aspects pertaining to their family member. It was suggested that DDDS partner with Disability Law who may be able to assist with legal questions. DDDS continues to provide educational seminars with provider agencies when asked. Approximately six open forums are scheduled to occur in the next two weeks at provider agencies. Family members and provider staff are encouraged to attend the open forums to find answers to questions. DDDS Community Navigators will attend forums as well to assist with answering questions about transitioning to Medicaid services. Family information meetings are planned where all questions are welcomed. Community Navigators will be on hand with Waiver packets to assist with process.

DDDS Office of Professional Development has recently established "Zoom" (video conferencing) accounts that allows DDDS to share webinars internally and externally. Zoom will allow DDDS to video a FAQ session to use as a webinar to share so people can watch multiple times. DDDS can post general information on the Facebook page keeping in mind not to breach confidentiality.

The soft implementation date of July 1, 2019 is DDDS' target for all to transition to the Waiver. DDDS is aware that time is required in some circumstances to prepare for enrollment; therefore, if DDDS is aware that people are working toward a resolution to enroll, services will continue.

Discussion surrounding "Trusts" was had by group. Some feel that limiting spending of individuals monies earned via a trust, who receive Medicaid services is unfair and disincentivising people to work. The rule pertaining to savings asset limit of \$2000.00 has not changed for over 30 years. "Trusts" may also be looked at as reserving income for retirement as most will require Medicaid support for life. One Council Member reported that a group of families are feeling like they are being "put upon" and "being forced to suffer" to include feeling that DDDS is "deflating their balloon". The other side is that people have been encouraged to be all they can be, and succeeded; but will no longer be able to enjoy all the fruits of their income due to being restricted by the requirement to move their retirement funds to a Trust and incur a penalty for early withdrawal.

The DDDS Lifespan Team is committed to interacting with families and spreading the message to families as much as possible. DDDS transitioning family services to Waiver services is leveraging federal funding to sustain current services and to offer more services in the future. Delaware is truly unique to provide services quickly as many states have waiting list where some wait years before receiving services. DDDS does not currently have a waiting list. To sustain and grow services, DDDS must seek alternate resources. Moving family services to Waiver is assisting with creating more resources via federal funding.

Revisions to DDDS Rules

DDDS is currently revising rules and will share the draft rule for Provider Sanctions at the Quarterly Provider Meeting on March 6, 2019. DDDS wishes to share draft rules with Council for feedback and discussion at a future meeting.

The Case for Inclusion Report

Deferred until the March 2019, meeting.

NASDDDS Conference Update

Deferred until the March 2019, meeting.

GAO HCBS Report

Deferred until the March 2019, meeting.

GAC Retreat Topics

Deferred until the March 2019, meeting.

Other Business/Announcements

Special Olympics honored Mr. and Mrs. Thomas Rust for running the Bocce Ball program for many years.

Vicky Gordy, past DDDS Executive Secretary is stepping back into her role beginning March 1, 2019.

Adjournment

Meeting adjourned at 12:10 p.m.

Future Meetings

March 21, 2019	10:00 a.m. – 12:00 p.m.
April 18, 2019 (Retreat)	9:00 a.m. – 2:00 p.m.
May 16, 2019	10:00 a.m. – 12:00 p.m.
June 20, 2019	10:00 a.m. – 12:00 p.m.